

REMARKS

Claims 1-23 are pending in the application. These claims stand finally rejected. Reconsideration and allowance of claims 1-23 in light of the arguments herein are respectfully requested.

The Final Office Action has failed to make out a *prima facie* case of obviousness of the invention defined by claims 1-23. A *prima facie* case of obviousness requires (1) some suggestion to combine the reference teachings; (2) a reasonable expectation of success; and (3) the references much teach or suggest *all the claim limitations*. MPEP §2143 (*emphasis added*). At least this final requirement is not met in the present final rejection.

Claim 1 recites

...determining whether a user identification code associated with said web browser indicates that said web browser is within a sampled population and for transmitting usage data indicative of said interaction in the event said web browser is included within said sampled population wherein said sampled population comprises a subset of a set of web browsers interacting with said content server (*emphasis added*)

Independent claims 8, 13, 17 and 21 include similar limitations. At least the **bolded** limitations are neither shown nor suggested by Pogue or Cannon, taken alone or in combination.

Pogue and Cannon fail to disclose or suggest a user identification code that is capable of “indicat[ing] that said web browser is within a sampled population...” as required by claim 1. Moreover, Pogue and Cannon fail to disclose or suggest “transmitting usage data” in the event the web browser is included within said sampled population,” or performing any function based on the condition of an identification code.

In rejecting claim 2, the Final Office action refers to Pogue’s cookie with user identification code being stored on tracked client computers. However, there is no suggestion that this cookie indicates that the web browser is within in a sampled population. There can be no such suggestion, because Pogue actually discloses monitoring interaction of all users with a web site. In Pogue’s system, all browsers of all users are monitored in their interaction with the

web page. Data collection occurs without any discrimination among users to limit users from whom data should not be collected. Cannon is relied on for the missing teaching regarding a sampled population of users. However, in Cannon, all data are collected from all of Nielsen's sampling devices and stored in a database (Cannon, paragraphs [0068] – [0072]). There is no sampling of the type referred to in the currently pending claims. In claim 1, the sampled population is a subset of web browsers interacting with a server. In Cannon, the sample is a group of viewers, all of whom interact with television broadcasting and all of whose data is collected. This group is selected ("sampled") from the total universe of viewers of television.

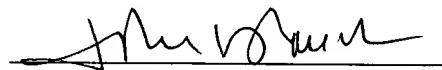
Thus, Cannon (along with Pogue) fails to disclose "wherein said sampled population comprises a subset of a set of web browsers interacting with said content server," as recited by claim 1. Cannon states that the disclosed invention maybe used to address browsing information for individuals accessing World Wide Web pages (paragraphs [0064], [0133]). However, Cannon does not disclose how this may be accomplished or how the sample is selected. The "sample" in Cannon refers only to the subset of television viewers who have the Nielsen equipment installed. But Nielsen's data collection equipment does not interact with non-Nielsen viewers—those viewers don't have the Nielsen equipment installed. So the Nielsen "sample" is not the same as the "sampled population [which] comprises a subset of a set of web browsers interacting with said content server" of claim 1.

Accordingly, even if the "sampling" suggestion of Cannon (mentioned only in a single paragraph of an application with more than 600 paragraphs) is combined with the conventional web site tracker of Pogue, the result fails to disclose all the limitations of the currently pending claims. Reconsideration and allowance of claims 1-23 is respectfully requested.

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Accordingly, reconsideration and allowance of the application is respectfully requested. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,



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